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ABSTRACT

To provide policymakers, practitioners, and other education leaders with the knowledge needed to consider the issues surrounding charter schools, a survey of these schools is offered. The text opens with an overview of charter-school basics, including the types of schools that are permissible and the legal status of charter schools. It analyzes the students served by charters and provides data on the total number of charter schools and the students attending them. How to sponsor a charter school, including the appeals process, is described, along with finance and fundraising, the funding approach, per-pupil expenditure, startup costs, facilities, temporary financial assistance, noninstructional services, and transportation. Issues of autonomy are described, such as waivers and control of budget, and information on oversight, renewal, and revocation is discussed. Details are also provided on teachers and staff, including teacher certification, salaries, pensions and benefits, and collective bargaining. Three appendices provide legislative examples of charters, list charter-school resources, and give a state-by-state analysis of charter-school laws. (RJM)

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The Charter School Roadmap

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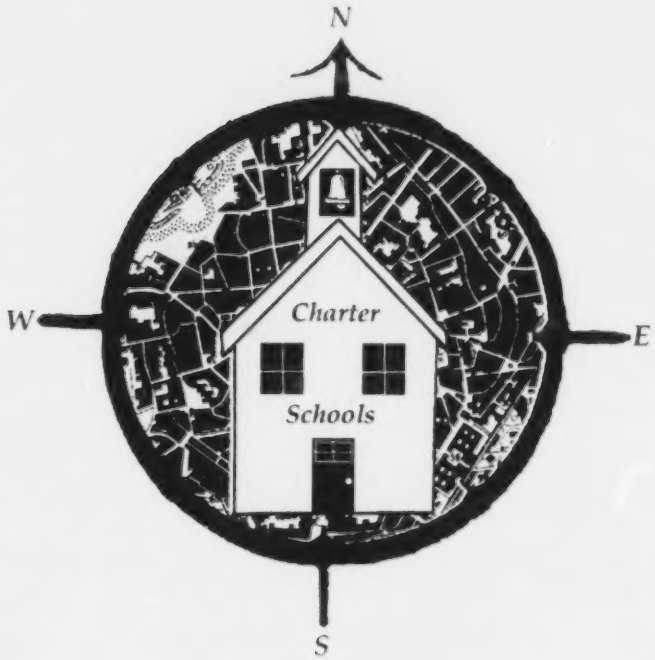

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Preface

The National Institute on Educational Governance, Finance, Policymaking, and Management is part of the Office of Educational Research and Improvement (OERI) in the U.S. Department of Education. The Institute was created by the Education Research, Development, Dissemination, and Improvement Act of 1994. Our mission is to provide leadership and support for research and development that examines the critical governance, finance, policymaking and management aspects of teaching and learning. The purpose of the work is to identify research that holds short-term and long-term consequences for policymakers and educators and to disseminate findings from such work in the most useful ways in order to help them design, implement, and sustain effective education reforms.

Toward that end, the Institute is committed to targeting its program of research toward helping address the emerging and enduring issues being faced by the Institute's clients—America's education policymakers, practitioners, and other education leaders. In order to constructively influence policy and management decisions, information and products based on research must target the right audience, in the most useful form, at the right time.

The publication of this paper contributes to this objective. Interest in charter school policy continues to grow even as state legislatures adjourn for 1998. Before they reconvene, as one state takes stock of what others have done already, it is apparent that the 1999 legislative session will see more states take up the issue.

This publication was written to address the emerging policy issues related to charter school reform in our nation. Because the approach to establishing charter schools can vary widely from state to state, the Institute commissioned the Education Commission of the States and the National Conference of State Legislatures to create a document that legislators and policymakers can use. This is not a history of charter schools. It's not quite a "How To" manual. Rather, it's a survey—a mapping, if you will—of the charter school landscape. It's intended to guide policymakers through areas they need to examine in their initial consideration of charter schools or their reevaluation of existing charter school legislation.

We sincerely hope its audience will find *The Charter School Roadmap* useful for these purposes.

Deborah Inman, *Director*
National Institute on Educational Governance, Finance, Policymaking, and Management

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Introduction

Since the enactment of charter school legislation in Minnesota in 1991, the number of states with laws supporting charter schools has reached 32 plus the District of Columbia and Puerto Rico. Advocates believe charter school legislation provides a new, effective means of improving the education system by expanding the choices available to parents and students. Skeptics, however, question the promised effects and fear charter schools may lead to the demise of regular public schools. Regardless, charter schools are one of the fastest-growing reform movements in education, thanks in large part to political support across party lines.

Research is under way by the U.S. Department of Education and others to determine the effect of charter schools on student achievement, but it is too early for any definitive findings. Early studies demonstrate that students, parents and teachers are satisfied with the charter school experience[1] and that charter schools are serving a population with roughly the same racial composition and percentage of low-income students as other public schools.[2]

Given the number of states that have enacted charter school legislation to date, there is surprisingly little consensus about the design of this school reform. One problem is the lack of a common definition of a charter school. In this publication, charter schools are defined as autonomous public schools that are granted some freedom from district and state regulations, allowing them to use innovative methods for teaching, spending and hiring. With this autonomy comes accountability. If the school does not meet performance goals within a specified time, the charter may not be renewed and the school may be closed.

Across the country, charter school laws vary widely among states, directly affecting the number and types of schools that develop. In states such as Arizona, charter schools are granted maximum autonomy and are considered legally independent entities with a blanket waiver from district and state regulations. Other states, such as New Mexico, only allow existing public schools to convert to charter-school status. These "conversion" charter schools are considered part of the school district and are granted less freedom over budgets and personnel than charter schools in other states.

How To Use This Document

The wide variations in law and the continued rapid growth of charter legislation have sparked the creation of this, *The Charter School Roadmap*.

This publication is designed to guide policymakers through areas they need to examine in their initial consideration of charter schools or their reevaluation of existing charter school legislation. Each section briefly outlines an issue and includes a few examples of what states are doing in that area.

The important points most often advanced by advocates of that position are highlighted to provoke discussion and make policymakers aware of available options. Statutory language is provided in Appendix A.

While reading through this document, some issues should be considered at all stages of developing charter school legislation:

- Consistency: The issues discussed in the document are treated separately, but must eventually come together to form a cohesive charter school policy. For example, state officials should decide the level of autonomy they want to grant charter schools and keep this in mind while considering other design options. If they grant maximum autonomy in one area, it might not make sense to restrict it in another.

- Context: It is important to assess the state context to ensure the effectiveness of charter school legislation. Some states are more district-oriented in making education policy, while others are more centralized. Legislators need to determine what change they want to make and how this change will fit with existing policies. Will legislation enhance the current set of reform policies, leverage the desired change or, in reality, add little value?

- Politics: The political landscape must be taken into account when drafting charter school legislation. It is difficult to pass legislation that grants charter schools maximum autonomy without strong support inside and outside the state legislature. As with any policy that can challenge the status quo, creating charter school legislation is a lengthy, complicated process.

When working through these issues of consistency, context and politics, policymakers should keep the overall purposes of charter school legislation in focus. Charter school legislation can give states an opportunity to try out new governing ideas, add flexibility to the existing system, and provide parents, teachers and students with more options. It also can add new layers of state or local control. Whatever a state's purposes for enacting charter school legislation, this publication can help policymakers identify major issues and examine available options.

Charter School Basics

Certain characteristics are common to all public schools, with charter schools being no exception. These characteristics include:

- Cannot charge tuition;
- Must be nonsectarian;
- Are subject to federal and state laws prohibiting discrimination; and
- Must comply with all health and safety laws.

Charter schools also have certain powers granted to them by the state. Charter schools under district control have the same powers as other local schools, while charter schools given nonprofit corporation or independent school district status have greater autonomy. In general, state statutes grant charter schools the ability to do the following:

- Negotiate and contract for facilities, services, etc;
- Acquire real property;
- Receive and disburse funds;
- Incur temporary debt;
- Operate as a business or corporation (providing such operations are not inconsistent with the charter school legislation); and
- Adopt a name and corporate seal.

Although some statutes are more comprehensive than others, all outline the major components of the charter application. The most common elements include the following:

- Statement of educational mission;
- Description of governance and organizational structure;
- Description of facilities to be used and its location;
- Statement of academic and other learning goals and objectives;
- Description of curriculum;
- Description and examples of assessments to be used to measure academic achievement;
- Description of personnel policies;
- Details of transportation plan;
- Description of admission procedure;
- Copies of the annual budget and financial plan (including all sources of funding and terms of fiscal audits);
- Evidence of adequate community support;
- Description of legal liability and applicable insurance coverage;
- Agreement to provide a yearly report to various parties;
- Description of support services;
- Explanation of disciplinary procedures;

- Description of programs to encourage diversity in the student body, including attendance by at-risk students and other special populations;
- Identification of regulations, if any, to be waived;
- School calendar and school day schedule; and
- Description of the age or grade range of pupils to be enrolled.

The remainder of this publication presents policymakers with "considerations"—that is, a brief description of specific issues to be considered in charter school legislation, along with options for actions on these issues.

Considerations:

Types of Charter Schools Permissible

Most states allow for both the conversion of public schools as well as the establishment of new charter schools. A handful of states—Hawaii, Mississippi and New Mexico—only allow existing public schools to convert to charter schools. If conversions are allowed, states often mandate that a certain percentage of teachers and parents in the school or district must support changing to charter school status before the conversion can be made. Currently, almost 60 percent of charter schools are newly created.[3]

Some states allow home schools or distance-learning facilities and for-profit companies to apply for charters, while others prohibit these types of schools. For-profit corporations such as Edison and Tesserac operate about 10 percent of the nation's charter schools and are especially popular in Massachusetts and Arizona. While some states are hesitant to allocate public education dollars to for-profit corporations, many charter operators—often burdened by start-up costs and a lack of planning time—welcome the extensive resources brought to schools by these companies. Home-schooling charters have been equally controversial. In Michigan, for example, the charter school law was amended to prohibit home-schooling charters after the state law that fostered them was ruled unconstitutional because of a perceived lack of supervisory control over the charter schools.

In considering the types of charter schools that may be permitted, examine the following options:

1. Only pre-existing public schools can become charter schools.

   - Conversion schools do not have as many start-up costs as new schools.

   - Conversion schools give districts a way to create alternative schools within the existing system (e.g., New American Schools, Montessori or Accelerated Schools).

2. Both newly created and pre-existing public, but not private, schools can become charter schools.

   - "Start-from-scratch" and pre-existing charter schools allow for the creation of new school cultures.
   - "Start-from-scratch" charter schools allow the widest range of innovation because all aspects of the school will be newly created.

3. Newly created, pre-existing public and private schools can become charters.

   - As with public conversion schools, private schools are not as influenced by substantial start-up costs and typically have a cogent mission and curriculum in place.

Legal Status of Charter Schools

Charter schools are most often either a part of the sponsoring district or an independent entity (often as a nonprofit corporation), with some states defining them as independent school districts. The legal status of the charter school affects its autonomy. Where charter schools are part of the school district, regulations regarding staffing, collective bargaining agreements and so on often apply equally to charter schools and other public schools. Where charter schools hold independent status, they likely have more autonomy in these decisions than do "traditional" public schools.

Consider the following options:

1. Charter schools should be part of the local district.

   - Charter schools are public schools that receive public funding and, therefore, should be legally part of a public government body.

2. Charter schools should be legally independent.

   - For charter schools to be innovative, they must be independent from the district and the state.
   - Independent status gives charter schools flexibility, increasing their chances of achieving their educational goals.

Students

At the heart of public schooling is the principle that schools will serve all students regardless of race or ethnicity. All charter school statutes reflect this value, and many states go farther by specifically addressing equity concerns in their legislation. A number of states, for example, require that a percentage of charter schools serve at-risk or other special populations. Other states give preference to charter school applications that serve at-risk populations. Texas and Nevada set a limit on the number of "mainstream" charter schools, but do not limit the number of at-risk charter schools allowed by law.

In spite of these statutory requirements, absolute equity has not been achieved. In states where charter school legislation is at least two years old, most schools have student waiting lists. Lotteries are the most widely used method for selecting students because they are perceived as fair and equitable. Some states, however, give preference to "founding families" (parents who spent many hours organizing the charter application) or to siblings of students already enrolled in the charter school. Such preferential treatment, no matter how reasonable or well-intended, is seen by some as inappropriate in a public school system.

Considerations:

Populations Served

An early concern about charter schools was that these schools eventually would lure the best and brightest students away from existing public schools. Emerging research shows, however, that charter schools are serving a diverse student population, although questions remain about how to maintain this balance.

Several options exist to promote equity in student admissions. First and foremost, states can prohibit charter schools from setting their own student admission requirements. Many states require that a certain percentage or absolute number of at-risk students be admitted to charter schools. A number of states urge sponsors to give preference to charter applications that propose to serve at-risk students or students from specific geographic locations, such as urban or rural schools. Still other states require the charter school's population reflect the demographics of the district in which it is located or with which it is affiliated.

Consider the following options:

1. Charter schools should serve all students.

   - Students should have equal access to all public schools.

2. Charter schools should serve all students with a special focus on specific populations (e.g., at-risk, learning-challenged students).

   - Flexibility allows charter schools to tailor curriculum and instruction to best serve the needs of special populations.

Number of Schools and Students (Legislative Caps)

An important decision for policymakers is whether or not to establish legislative caps: statutory limits on the number of charter schools in the state or given district or on the number of students served by these schools. Charter school advocates argue that caps reduce the opportunities for innovation. Opponents believe charter schools are risky and should be limited in number and monitored closely.

Consider the following options concerning legislative caps:

1. Do not impose legislative caps.

   - Market forces ultimately will determine the appropriate number of charter schools the state can sustain.

2. Limit the number of charter schools in the state.

   - The number of charter schools should be limited because of lack of evidence that they are successful in raising student academic achievement.

3. Limit the number of charter schools by district.

   - This encourages a more equitable distribution statewide.

4. Limit the total number of students.

   - Allowing districts or the state to determine charter school size should be enough to stimulate innovation.

Sponsorship (Chartering Authority and Charter Organizers)

State legislation varies as to what person(s) or state agency may sponsor a charter school. A sponsor is the entity that approves the charter contract and is ultimately accountable for the school's existence. Charter school operators are responsible and accountable for the school's performance, and sponsors judge whether that performance merits continuation of the charter agreement.

Current legislation typically provides for the following sponsorship arrangements: *Single sponsor* (typically the local school district or state education agency); *Two sponsors* (usually the state education agency once the local school board approves, or, sometimes, the other way around); and *Multiple sponsor (* including the school board, state education agency, public college, state university, state board for charter schools or, as in Milwaukee, a city government).

Most states allow for a single sponsor, usually the local education agency. A few states allow for school district sponsorship subject to state education agency approval. Arkansas does the opposite—state education agencies can sponsor charter schools with approval of the local education agency.

Limiting sponsorship to a school district potentially restricts creation of charter schools because there is little incentive for a district to create competition with itself. Requiring approval from two entities also restricts charter school activity. Allowing multiple sponsors most often encourages the formation of charter schools: if one sponsor denies the charter application, organizers are free to apply to another sponsor. Minnesota legislation also allows multiple sponsors, but does not require the charter school to be located in the sponsoring district.

Considerations:

Sponsorship of Charter Schools

1. Local education agency sponsorship only.

    - School boards are in the business of managing and guiding school districts. All schools operating within district lines should be under the control of the school board. The school board is accountable to the community for schools under its jurisdiction.

- Because school boards are closest to parents, students and teachers, they should determine whether or not a charter school "best fits" with the district.

2. State education agency sponsorship only.

   - The state board is the logical entity to oversee charter schools because it is farther removed from the schools and thus may be more neutral than the local education agency.
   - In states that have statutory language giving the state board responsibility to oversee all education entities, the state education agency should sponsor charter schools.

3. Sponsorship by both state and local education agencies.

   - If a charter applicant first gained sponsorship with the state, the local school board may want to be fully aware of what the applicant is considering, given that the charter school will be located in its district.
   - Having both entities sponsor and monitor charter petitions is likely to increase the quality of applications.

4. Sponsorship by multiple sponsors (local and state education agencies, universities and community colleges, charter school board, local government).

   - Universities (especially those with education departments) often are perceived as places where innovation occurs, so they are a likely charter school sponsor.
   - When multiple sponsors are allowed, a charter commission could be created to administer and manage charter schools within a state. This neutral commission could provide a broader audience to oversee charter schools.

Charter School Organizers

In almost half the charter school states, there are no limitations on who can organize a charter school. The other half of the states require applicants to demonstrate school and community support for the charter school or mandate that certified teachers or administrators be included as applicants. States that allow only conversion schools limit the applicant pool to educators within that school (often requiring a set percentage of current teachers to show support for conversion to charter school status). While requiring a licensed educator to be an applicant may encourage the creation of a more thoughtful mission and curriculum, some policymakers argue this may curtail innovation because educators are perceived to be confined by traditional educational models.

Consider the following options:

1. Place no limitations on who can organize and apply for a charter school.

   - Charter schools are intended to encourage parental and community involvement. Not restricting who can apply for and operate a charter school encourages greater involvement in public education by a larger cross-section of school communities.
   - Noneducators may stimulate innovation because they have other work-related experiences that can be transferred to the new educational model in the charter school.

2. Set some limitations on who can organize and apply for a charter school.

   - Mandating at least one licensed educator's involvement in designing the charter school is likely to create a more comprehensive and sound mission and curriculum for the proposed charter school.
   - Mandating that members from certain groups be a part of the application facilitates increased knowledge about and involvement in public schools.

3. Only pre-existing public schools can organize and apply for a charter school.

   - Educators in existing schools have the most knowledge about schooling; therefore, they have the best chance of overcoming obstacles during development and implementation.

Appeals

An important consideration in drafting or revising charter school legislation is whether to include an appeals process for organizers whose initial proposals are rejected. The appeals process may involve only the chartering process itself, be limited to the content of the application, or include both process and content. Details of the appeals process deadlines for making appeals, number of days to render a decision and so on must be clearly defined. It is also important that the appellate body have political, as well as statutory, authority to override the initial recommendation. For example, the state board of education is an appropriate appellate body for a local school board where a city council might not be.

In states where the local board has exclusive authority to sponsor charter schools, an appeals process can stimulate the organization of charter schools. Also, the appellate process may increase the quality of applications as the appellate body often offers feedback to correct and improve the charter application.

Considerations:

Appeals Process

1. Do not provide an appeals process.
   - The decision made by the sponsoring authority should be binding.
   - An appeals process is lengthy, expensive and difficult to manage.
   - If multiple sponsors are allowed, the charter school organizers may apply to another sponsoring agency.
2. Provide an appeals process that reviews both the chartering process and the charter application.
   - An appeals process ensures a fair hearing of charter proposals, overriding a potentially antagonistic decisionmaking body.
   - An appeals process allows a charter school application to move forward even if a local school board is opposed to the chartering concept.
3. Provide an appeals process that reviews only the chartering process.
   - Charter schools should be entitled to a fair hearing according to the charter school law.

Finance and Fundraising

Finance issues pose some of the greatest challenges to policymakers and charter school operators. As with traditional schools, charter schools are financed in complex ways. Unlike traditional schools, many charter schools have authority over their entire budget. In addition, charter schools often draw students from outside their home district's attendance boundaries and are sometimes treated as a school district or a separate entity. These distinctions are beginning to shake up well-established school finance systems and are raising questions about funding levels, funding sources and the distribution of federal, state and local dollars.

Like all other public schools, charter schools can be eligible for federal program funding, especially under Title 1 of the Elementary and Secondary Education Act and the Individuals With Disabilities Education Act (IDEA), which appropriate more than $10 billion nationally. Although there has been concern that charter schools have not received an equitable share of these funds, a recent Government Accounting Office survey[4] shows that more than two-thirds of charter school operators believe they received an equitable amount.

Barriers created by state funding based on prior year's enrollment, problems in formulating student eligibility data, the costs of accessing funds relative to the amounts that charter schools receive and other time constraints, however, limit charter schools' ability to pursue or receive funds from these programs. Further, the legal designation of charter schools has some influence on the allocation of Title 1 and IDEA funds. If a charter school is legally part of the local school district, then the local education agency has some discretion in allocating these funds to individual schools within the district, and funding amounts are dependent upon the local school board's formula. If the charter school is treated as an independent school district or chartered by the state education agency, however, this money goes directly to the charter school.

When developing or redefining charter legislation, state policymakers should consider the following finance factors.

Considerations:

Funding Approach

Typically, state education dollars are distributed to districts and then allocated to schools. With charter schools, policymakers must determine whether charter schools will receive money directly from the state, another sponsoring agency, the local district or a combination of these approaches. The flow of funding usually is

determined by what agency or entity sponsors the charter school. In Connecticut, for example, a state-sponsored charter school receives direct funding from the state; a locally sponsored charter school receives its funds from the district.

Options to consider include the following:

1. Receive funding directly from the state.
    - If charter schools are to be autonomous, funding should be allocated directly to the school.
2. Receive funding from the sponsoring agency (district or otherwise).
    - Charter schools are experimental and need funding oversight from the sponsoring agency.

Per-Pupil Expenditure

State leaders must decide how to and who will determine the per-pupil expenditure for charter schools. Charter schools receive either the average district (or state) expenditure or less. Some charter schools supplement their basic funding with grants or donations and money from federal categorical programs (e.g., special education, compensatory or bilingual), although some charter school operators question whether they receive their full and fair share of these dollars.

Consider the following options:

1. Per-pupil expenditure level set by state (based on state average).
    - Basing per-pupil expenditure on the state average furthers equivalence with other schools in the state.
2. Per-pupil expenditure equals district average.
    - If charter schools are to be compared to other public schools and held to the same standards, they should be given equal resources to achieve their goals.
    - Less funding and fewer resources provide students and parents with a disincentive to attend a charter school, or for a public school to convert to charter school status.

3. Per-pupil expenditure is a set percent of the district average.

   - If charter schools can produce more with less, important lessons can be transferred from the charter school experience to district public schools.
   - Districts should retain a percentage of per-pupil expenditure for administrative services to charter schools.

4. Per-pupil expenditure is negotiated between the district and the charter school.

   - To reflect the varying financial constraints facing districts, funding levels should be negotiated between each charter school and district.

Start-Up Costs and Planning Grants

In several surveys, charter school operators (especially in new schools) indicate that funding for start-up and planning activities would greatly improve the viability of their schools. To date, only a few states have earmarked funds for these purposes and provide grants or low-interest loans. The federal government has established a fairly significant grant program to give charter schools a "strong start."

Options to consider include the following:

1. Start-up and planning grants should be available to charter schools.

   - Planning grants help strengthen charter school petitions, setting a stronger foundation from the onset and increasing the chance for the school's overall success.
   - Lack of start-up funds has been cited by charter school initiators as the most difficult obstacle to overcome in the creation of a charter school.

2. No start-up or planning money should be provided in statute.

   - All schools are able to raise money (except through tuition) to supplement their budgets. Charter schools should not be given special consideration.

Facilities

Although some charter schools are able to lease buildings at a fairly low cost, locating and paying for adequate facilities can be a significant barrier. Adding to the problem is the fact that new charter schools rarely have a financial track record or assets that enable them to secure loans to lease or buy a building. Further, many charter schools do not have access to local district funds levied for capital purposes and must use a portion of their operating funds for facilities. One of the only states

to designate funding, Arizona passed a major school facilities bill in 1997, which includes $4 million to assist charter schools. In addition, Minnesota became the first state to designate funds for yearly lease assistance. Arizona, Delaware and others have tried to ease the facilities problem by publishing a list of vacant district buildings that may be suitable for charter schools.

Consider the following options:

1. Funds to secure facilities should be provided to charter schools just as they are provided for other public schools.

   - Charter schools generally are forced to pay facilities costs out of operating budgets. Public schools have separate budgetary provisions to address these costs.
   - If charter schools are provided with assistance to secure an adequate building, the schools can spend more time and money on teaching and learning.

2. Assistance to secure facilities should not be provided.

   - Providing facility assistance to charter schools will substantially increase the cost of implementing charter school legislation.
   - Charter schools would have a distinct advantage over local schools in competing for students if they had assistance to acquire modernized facilities.

Temporary Financial Assistance for Loss of Students to Charter Schools

The financial effect of students entering and exiting local districts may provide a disincentive to districts to accept charter school petitions. Temporary financial assistance (provided by Massachusetts, Ohio and Pennsylvania) attempts to rectify this problem by alleviating the costs of students entering and exiting a district's public schools for the first year. This is accomplished through per-pupil allotments and grant programs for local school districts to offset their per-pupil expenditure losses when students transfer to charter schools.

Consider the following options:

1. Provide temporary financial assistance to districts.

   - Districts suffer financially due to the budgetary effect caused by the shift of any student to a charter school.

- Without this assistance, districts have a financial disincentive for accepting charter school petitions.

2. No temporary financial assistance should be provided.

   - A temporary assistance program raises the costs of implementing charter school legislation.
   - The financial assistance would be better used to provide resources directly to charter schools.

Noninstructional Services

Many states do not specify how charter schools will provide such services as school lunches, payroll, transportation or custodial work. Since districts typically have not determined a per-pupil cost for these services, price negotiation with charter schools is somewhat complicated. Florida's charter bill, for example, specifies that districts cannot charge charter schools a rate greater than actual cost. If necessary, Rhode Island's commissioner of education can settle price disputes between districts and charter schools.

Consider the following options:

1. No special provisions should be made to provide charter schools with services.

   - Because charter schools have the power to negotiate and test the market, the district should be able to price itself as it sees fit.

2. Special provisions regarding services should be specified.

   - As public schools, charter schools should not be charged more than other local schools.

Fundraising

Charter schools in all states can accept gifts, donations and grants. Documenting the amount charter schools receive beyond general funding allocations is somewhat difficult because charter schools may not be required to report all of this funding. For example, Washington, D.C. requires that charter schools report only donations of $500 or more. Wyoming specifies that charter school fundraising efforts be compatible with the mission of the district.

Consider the following options:

1. No restrictions on charter school fundraising should be legislated.

   - Given the financial constraints charter schools face for start-up costs and facilities, any assistance private or public should be allowed.
   - Public schools have the ability to raise funds; charter schools should have the same option to increase their total budgets.

2. Some restrictions on fundraising are necessary.

   - If charter schools can raise unlimited funds, the transfer of innovations may be difficult to replicate in regular public schools that have fewer financial resources.

Transportation

In Massachusetts and several other states, charter schools must provide the same transportation as other public schools to children in the district where the charter school is located. Other states, however, do not address student transportation or require that this responsibility be included in the charter school petition. Transportation is less likely to be a problem in conversion schools because of the existing district infrastructure.

Consider the following options:

1. Transportation for children residing in the district where the charter school is located should be provided by the district.

   - To provide equal opportunity for all students to attend a charter school, fair and accessible transportation must be made available.
   - By making transportation the district's responsibility, funds a charter school might have to spend on transportation can be used for instruction.

2. A transportation plan should be outlined in the charter school application.

   - Given the variability in number and type of students served by charter schools, each school should negotiate its own transportation concerns with the sponsoring entity.
   - If other entities can sponsor charter schools (e.g., state boards of education, colleges), the responsibility for transportation should fall on the sponsoring entity, not the district where the charter school is located.

Autonomy

Charter schools are a means of granting schools freedom from district rules and regulations in order to stimulate innovation in educating students. The degree of autonomy granted to charter schools, however, varies tremendously among states. All charter school statutes include language indicating that certain provisions concerning health, safety, civil rights and disability rights cannot be waived.

The degree of autonomy provided to charter schools must be weighed against accountability, because the two are interrelated. By waiving regulations automatically, sponsors may lose the ability to exert control until the charter school becomes eligible for renewal. Charters can be revoked, but only for specific transgressions (see "Oversight, Renewal and Revocation" section of this document).

The following areas should be considered when granting waivers of district and state regulations to charter schools.

Considerations:

Overall Waivers

A few states grant charter schools "superwaivers," automatically freeing the schools from virtually all district and state regulations. Some charter schools are required to explicitly request waivers in the charter school petition, often accompanied by a mandated explanation for the waiver. More commonly, full waivers are granted.

Consider the following options:

1. Charter schools should be granted an automatic waiver for all regulations (except health, safety, etc.).

    - A "superwaiver" will create the conditions needed for charter schools to be innovative.
    - A "superwaiver" will help stimulate teachers who assume there are specific policies blocking their attempts to be innovative.
    - Since charter schools are held accountable through testing, audits and the renewal process, additional regulations are not necessary to ensure charter schools will perform adequately.

2. Charter schools should define and discuss all waivers in its petition.

   - Waivers should be analyzed on a case-by-case basis, depending on the goals and mission of each charter school.
   - Maintaining regulations allows states and districts to exert a degree of control over the functioning of charter schools and provide some check on the quality of education received by charter school students.
   - States and districts must learn which regulations need to be changed to grant maximum freedom. A "superwaiver" will not give a state or local district information about policy changes that could improve education in all district schools.

Control of Budget

In most states, a charter school must submit a budget as part of its petition. Within these parameters, charter schools are allowed to spend their resources as needed. In Alaska and Georgia, for example, more limited provisions on expenditures exist.

Consider the following:

1. Charter schools should be granted fiscal autonomy.

   - Charter schools need to be free to allocate resources to best serve their school and community.
   - Most states have audit provisions written into their statutes. Giving charter schools budgetary freedom is less problematic with these yearly audits.

2. Charter schools should be limited in their ability to spend resources.

   - Some control is needed to ensure that public funds are not being used negligently through the term of the schools' charter.
   - Audits show after the fact that money has been misspent; therefore, they do not provide adequate or timely control over charter school expenditures.

Standards and Assessments

Given the need to hold charter schools accountable for performance, standards and assessments are of prime importance to districts, other sponsors and charter schools. Standards set targets for performance, and assessments are intended to measure results. There is a debate about whose standards to use: the charter school's, the district's, the state's. States are evenly split between whether state standards and assessments should apply to charter schools or whether content and

performance standards should be defined in the charter petition. Some states attempt to combine these two choices by allowing charter schools to select their own assessment instruments to meet state-determined education goals. Texas, for example, allows charter schools to set their own standards using statewide assessment instruments. Rhode Island's and Wisconsin's state education goals and standards apply to charter schools, but assessments are not defined in the law.

Consider the following options:

1. Statewide standards and assessments should apply to charter schools.

   - To measure the success of charter schools relative to other schools, the same standards and assessments should be used.
   - Allowing charter schools to develop their own standards and assessments makes evaluation more difficult and creates the potential for data manipulation by the charter school.

2. Standards and assessments should be established in the charter petition.

   - Many charter schools have unique educational designs and innovations. They should be able to create goals and measurements that best match their school.
   - Charter schools' missions and curricula often include goals that are not covered by statewide standards and assessments. Charter schools should be able to create measures that work best with their own goals.

3. States should require a combination of statewide and charter school-determined standards and assessments.

   - A combined approach allows flexibility, while still providing an adequate means of comparison between charter school and local school students.

Teachers and Staff

Many charter school advocates believe the best teachers should be in the classroom, regardless of certification requirements. Additionally, charter schools often are strapped financially and only can provide low teacher-student ratios by hiring non-certified staff (often at a lower salary) rather than certified educators. Professional educators claim the most effective teachers are those who have received training through certification programs and are licensed.

Considerations:

Teacher Certification

Many states require that charter school teachers be certified. A few states, such as Connecticut and Illinois, have alternative certification programs that allow staff to work in a charter school (and other public schools) with the intent of becoming certified. Certification requirements are less likely to be a problem for conversion schools because the majority of teachers in them were certified before the school converted to charter school status.

Consider the following options:

1. Require only certified teachers.
   - Generally, the most effective teachers will be those who have received training and are certified.
   - Require, as public schools do, certification of teachers unless specifically waived (providing the state has corresponding legislation).
2. No teacher certification requirements are needed in legislation.
   - Certification is not a guarantee that all individuals will be qualified to teach and have a positive influence on student achievement.
   - School enrichment can occur by involving community members and retired educators to work with students to augment noncertified staff.
   - Charter schools are held accountable for student achievement. If the school is successful, it makes no difference whether teachers have formal certification.

3. Require a ratio of certified to noncertified teachers.

   - This is a compromise. Because charter schools are experimental, a combination of teachers is required to balance the total quality of teachers in the school.

4. Allow for the hiring of noncertified teachers who intend to obtain certification.

   - Although certification does not guarantee quality teaching, additional training may provide teachers with increased knowledge of subject matter, instructional techniques and child development, thus raising their potential for effectiveness.

Salaries

The legal status of charter schools usually dictates how salary decisions are made. If charter schools are a part of the district, then district salaries and collective bargaining policies likely will apply. If charter schools have nonprofit status, then the decisions usually are made by the charter school.

Consider the following options:

1. Teachers' salaries are set by the charter school.

   - Charter schools should have the ability to pay teachers on the basis of competence rather than seniority.

   - Given the fiscal constraints of some charter schools, they should be able to set salaries based on their total budget and costs.

2. Salaries are set by the state or district.

   - If the charter school receives state or district funds, then teachers in such schools should be subject to district agreements on salaries and other compensation.

Teacher Leave of Absence

Many states require districts to grant teachers a leave of absence (usually 3 to 4 years) to teach in a charter school. Until the time period has expired, teachers are allowed to return to schools within the district. Variations exist in how states address seniority and benefits issues while teachers are on leave to work in a charter school.

In the few states where some charter schools have been established for longer than the teacher leave of absence allows, teachers have been forced to choose between their former position in the school district and continuing their careers at the charter school. While this is not yet a widespread problem (most charter schools are relatively new; three-quarters of them have been open less than 3 years), it is likely to escalate in coming years. School districts are concerned about extending the leave period because they might have to accommodate an influx of senior teachers after already hiring replacement personnel. For their part, the teachers whose leave of absences are expiring argue that they need sufficient time to assess teaching opportunities at the charter school.

Consider the following options:

1. Restrict charter school teachers' options to return to their districts.

    - Teachers who work in a charter school do so at their own risk. If they are able to return to their "home" districts, teachers have no guarantees and may need to renegotiate items such as placement and tenure.

2. Provide a leave of absence for teachers to return to an equivalent position in their districts.

    - Since charter schools are public schools, policies regarding leaves of absence should be the same as for district.

Pensions and Benefits

Retirement is usually packaged with salaries. If the district is controlling salaries, retirement and benefits usually follow. If separated, then the charter school is left to deal with benefit and retirement packages for all its employees. Charter schools in most states, however, have the option of using the state teachers' pension system.

Consider the following options:

1. Restrict charter school teachers' access to the district's traditional public schools teachers' retirement system.

    - Teachers who work in charter schools do so at their own risk. They are not guaranteed the ability to make contributions to current retirement funds.

2. Charter school teachers should have equal access to the public teachers' retirement system.

    - Guaranteeing access to retirement systems provides a "safety net" for public school teachers to work in charter schools.

Collective Bargaining

In a district, teacher unions negotiate wages, working conditions and terms of employment with school authorities. Yet, many educators view collective bargaining agreements as the single largest obstacle to innovation in schools because they restrict such things as hiring and hours. Since charter schools are intended to foster experimentation, advocates believe these obstacles should be removed. On the other hand, collective bargaining has been a positive force for teachers. Allowing charter schools to opt out of participation could undermine that progress for all educators. Collective bargaining issues for charter schools focus on whether existing collective bargaining agreements should apply to charter school employees. These issues often are packaged with salaries and retirement benefits because they often are included in collective bargaining agreements.

Consider the following options:

1. Charter schools should operate independently from district bargaining agreements.

    - Personnel costs and union agreements constitute much of the inflexibility within public schools. Freedom to operate under new rules is at the heart of the charter school movement. They should form their own agreements as needed.

    - Critics of union-negotiated collective bargaining agreements contend that many of the funds secured through such collective bargaining agreements do not actually reach teachers. Instead, they are used for lobbying efforts. Charter schools need to keep their funds locally.

2. Charter schools should be bound by district collective bargaining agreements.

    - Because charter schools are most commonly sponsored by local districts, district collective bargaining agreements should apply within any district public school.

    - Because of economies of scale, agreements negotiated by and for the district will have created better agreements for the majority of teachers than ones negotiated by individual charter schools.

Oversight, Renewal and Revocation

In order to hold charter schools accountable, there must be a means of assessing their performance and terminating their contracts when they do not meet expectations. Although charter school closures have made headlines in Arizona, California and Minnesota, so many charter schools are just beginning their operations that it is difficult to speculate on the number of contracts that will typically be renewed.

The terms for initial and renewed charters vary by state, but tend to be 3 to 5 years with Arizona issuing the longest contract at 15 years. All states retain the authority to close a charter school before the completion of the contract.

Considerations:

Charter Oversight

Most state statutes require charter schools to report progress to the sponsor, the district and the state legislature. Many require a yearly fiscal audit. Most states allow the charter school to conduct the audit, but Minnesota, for example, gives audit authority to the state board of education. Some states also require charter schools to submit an annual report on their progress toward achieving the goals identified in its charter.

Consider the following options:

1. Charter legislation should not require yearly reports on financial and academic performance.

    - Yearly reports do not allow the charter school time to establish itself before being evaluated. Charter schools should be held to long-term goals measured after they have had sufficient time to establish their programs.
    - Yearly reports are a burden on the charter school in terms of time and resources, and are perceived as another obstacle.

2. Charter school legislation should require yearly reports on financial and academic performance.

    - Oversight is necessary on a yearly basis to ensure that charter school students are receiving a quality education.
    - Oversight is necessary on a yearly basis to ensure that charter schools are held accountable for the terms of their contract.

- To fairly assess a charter school, a complete history is necessary, not just an analysis conducted every third or fifth year.

Revocation

Given the experimental nature of charter schools, some are bound to be unsuccessful in terms of both performance and management. Revocation language allows states to close mismanaged schools before the term of their charter is over. Most frequently, revocation occurs due to financial mismanagement, a violation of the charter agreement, or failure to meet student achievement goals and expectations. Currently, all states provide explicit grounds for revocation.

Consider the following options:

1. Charter legislation should explicitly list grounds for revocation.
    - Sponsors or authorities should have the legal ability to close mismanaged schools immediately.
    - A charter school is likely to fight any attempt to revoke its contract, so legislation should explicitly state all grounds for which revocation can occur.
2. If a state has school reconstitution legislation for public school takeovers, the same rules should apply to charter schools.
    - Charter schools should be held to the same rules as all other schools in a district; therefore, before a charter school is closed, reconstituting should be applied.

Term of Charter and Renewal

States typically set the initial and renewal term for the charter school between 3 and 5 years.

This allows states to review charter schools and creates a potentially higher level of accountability. Arizona took a different approach. It set a 15-year term, which provides charter schools with stability and allows them to apply for credit and mortgages. Terms for the length of the charter in some states are flexible, allowing the district to decide when to renew the charter within the prescribed limits.

Consider the following options:

1. The term for the charter school should be flexible within a prescribed number of years.

    - As each charter school is its own entity, each school should be analyzed individually with sponsors having the ability to grant successful schools longer renewals, and charter schools with more questionable success shorter terms.

    - Sponsors may have different schedules and procedures. They should be given maximum flexibility within a certain time frame.

2. Charter schools should be granted a set renewal period.

    - A set renewal period gives charter schools stability to build an effective program and, thus, shields them from criticism early in their efforts.

Renewal Applications

Charter school renewal policies vary among states, ranging from no statutory requirements to explicitly listed reports and financial statements. Given the attention accompanying the nonrenewal of a charter school, most states have evaluation criteria written in their charter school legislation.

Consider the following options:

1. Evaluate charter schools and provide explicit provisions for a renewal application.

    - Evaluating charter schools is necessary to determine what, if any, innovations have occurred, and what effects they have had.

    - Given that decisions not to renew may be met with hostility, specific criteria should be outlined so that the reason for nonrenewal can be fully explained.

    - To further equity in renewal decisions, specific reporting requirements stated in the charter and the evaluation criteria from the sponsor should be statutorily defined.

2. No evaluation and renewal application provisions should be specified.

    - Statutorily defining evaluation criteria takes power away from the sponsoring entity to evaluate charter schools based on their own criteria.

- Charter schools should be evaluated individually with the criteria varying by the mission and goals of the school and its sponsoring entity.

Appeal of Renewal Petition

Typically, states that allow appeals of the decision on initial charter petitions also allow charter schools to appeal the decision on the renewal application as well.

Consider the following options:

1. An appeals process should be available as part of the charter school renewal process.
    - Political factors could allow successful charter schools to be closed for reasons unrelated to performance. An appeals process protects charter schools.
    - Some states exercise supervisory powers over school districts and, therefore, should ultimately determine which charter schools are allowed to continue.
2. No appeals process should be included in the charter school renewal process.
    - The sponsoring entity should have complete control over which charter schools are renewed, since it is accountable for charter school oversight.

Technical Assistance

Once charter school legislation becomes law, technical assistance providers emerge to meet the immediate demand for information regarding state and district policies and procedures and other important information regarding the start-up and maintenance of charter schools. Along with start-up information, technical assistance providers often create the infrastructure for charter schools to network both within a state and nationally, disseminating information about everything from legal issues to the latest grant opportunity. Many states have more than one technical assistance provider, in addition to the service provided by the state education agency. Given the likelihood that an organization of this type will emerge to support charter schools, is it necessary to create another entity in the state education department to work with charter schools?

Consider the following options:

1. Include technical assistance provisions within the statute.

   - To maximize the number of charter schools created and maintained, the state education agency should provide technical assistance.
   - Providing technical assistance by the state education department is one way in which the state can monitor charter schools, thereby ensuring proper implementation of the law.

2. Exclude technical assistance provisions within the statute.

   - Technical assistance providers will emerge whether or not the state education agency provides assistance, so no extra provisions need to be included in the statute.
   - Legislating technical assistance creates another layer of bureaucracy, unnecessarily adding to the costs of education.

Program Duration and Oversight

States that pass charter school legislation as a pilot program or impose a sunset law include a termination date for the charter school program. While many states do not limit the duration of charter school programs, these states often require the state education agency or another outside entity to review the effectiveness of the program and report to the legislature.

1. The duration of charter school programs should be limited, and the state education agency or another entity should report to the legislature on the effectiveness of the program.

   - Because the effectiveness of charter schools is still uncertain, the legislature should hear reports on the effectiveness of the charter school program.

2. The duration of charter school programs should not be limited, nor should the state board of education or another entity report on the effectiveness of the program to the legislature.

   - Given the unique missions and student bodies of each charter school, each should be evaluated on the merits of its achievement only after it has had a stable period of time to build and implement its programs.

Appendix A.—Legislative Examples

This appendix offers examples of legislation that address the issues or "considera tions" discussed in this document. They are included as references for policymakers. Please note, numbers under each consideration correspond to numbers in previous text that deal with each issue.

Charter School Basics

Types of Charter Schools Permissible

2. Both newly created and pre-existing public, but not private, schools can become charter schools:

North Carolina: 115C-238.29B (a)

Any person, group of persons or nonprofit corporation seeking to establish a charter school within a local school administrative unit may apply to establish a charter school on behalf of a private nonprofit corporation. If the applicant seeks to convert a public school to a charter school, the application shall include a statement signed by a majority of the teachers and instructional support personnel currently employed at the school indicating that they favor the conversion and evidence that a significant number of parents of children enrolled in the school favor conversion.

Legal Status of Charters

1. Charter schools should be part of the local district:

Wisconsin: 118.40(7)(a)

A charter school is an instrumentality of the school district in which it is located, and the school board of that school district shall employ all personnel for the charter school.

2. Charter schools should be legally independent:

Minnesota: 120.064 Subd. 4(a)

The school shall be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A.

Students

Populations Served

1. Charter schools should serve all students:

Massachusetts: 71-89 (f) (10)

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need or proficiency in the English language, and academic achievement. Charter schools may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science or the arts.

2. Charter schools should serve all students with a special focus on specific populations:

Colorado: 22-30.5-103 (a)/22-30.5-109(a) and (b)

At-risk "pupil" means a pupil who, because of physical, emotional, socioeconomic or cultural factors, is less likely to succeed in a conventional educational environment.

No more than 50 charters shall be granted prior to July 1, 1997, and at least 13 of said 50 charters shall be reserved for charter school applications which are designed to increase the educational opportunities of at-risk pupils, as defined in section 22-30.5-103. Local boards of education which grant charter school applications shall report such action to the state board and shall specify whether or not such school is designated to increase the educational opportunities of at-risk pupils. The state board shall promptly notify the board of education of each school district when the limits specified in paragraph (a) of this subsection (2) have been reached.

Number of Schools and Students (Legislative Caps)

2. Limit the number of charter schools in the state:

Connecticut: 10-66bb(c)

The State Board of Education shall review, annually, all applications and grant charters, provided for the period from July 1, 1997, to June 30, 1999, (1) no more than twenty-four charters for charter schools....

Alaska: CS 88 Section1(A)

The State Board of Education may not approve more than 30 charter schools to operate in the state at any one time and shall approve charter schools in a geographically balanced manner as follows: not more than 10 schools in Anchorage; not more than five schools in Fairbanks; not more than three schools in the Mantanuska-Susitna

Borough; not more than three schools in the Kenai Peninsula Borough; not more than two schools in the City and Borough of Juneau; not more than seven schools located in other areas of the state, and these seven schools shall be allocated as nearly as possible in a geographically balanced manner throughout the rest of the state.

4. Limit the total number of students:

New Jersey: 18A:36A-4(e)

A charter school established during the 48 months following the effective date of this act, other than a currently existing public school which becomes a charter school pursuant to the provisions of subsection b. of section of this act, shall not have an enrollment in excess of 500 students or greater than 25 percent of the student body of the school district in which the charter school is established, whichever is less.

Sponsorship

Sponsorship of Charter Schools

1. Local education agency sponsorship only:

South Carolina: 59-40-70(E)

If the local school board approves the application, it becomes the charter school's sponsor and shall sign the approved application which shall constitute a contract with the charter committee of the charter school. A copy of the charter shall be filed with the State Board of Education.

2. State education agency sponsorship only:

New Mexico: 22-8A-4(A)/22-8A-5(A)

The state board may authorize any school within local school districts to become a charter school. Individual schools wishing to become charter schools shall apply through their local school board to the state board for authorization to become charter schools. In transmitting the application to the state board, the local school board may include a recommendation regarding the establishment of that charter school.

3. Sponsorship by both state and local education agencies:

Delaware: 14-5-511

Charter school applications shall be submitted to a local school board or the state board for approval as an approving authority. The approving authority shall be responsible for approval of the charter school pursuant to this section and for continuing oversight of each charter school it approves.

4. Sponsorship by multiple sponsors:

Arizona: 15-183C

The sponsor of a charter school may be either a school district governing board, the State Board of Education or the state board for charter schools, subject to the following requirements.

Charter School Organizers

1. Place no limitations on who can organize and apply for a charter school:

Kansas: 72-9901-4(b)

A petition for the establishment of a charter school may be prepared and submitted to the board of education of a school district by or on behalf of a school building or school district employees group, an educational services contractor, or any other person or entity. Any such petition shall be submitted by not later than December 1 of the school year preceding the school year in which the charter school is proposed to be established.

2. Set some limitations on who can organize and apply for a charter school:

Nevada: 386-8 et seq

A committee to form a charter school must consist of at least three licensed teachers alone or in combination with:

(A) Ten or more members of the general public;
(b) Representatives of an organization devoted to service to the general public;
(c) Representatives of a private business; or
(d) Representatives of a college or university within the university and community college system of Nevada

3. Only pre-existing public schools can organize and apply for a charter school:

Hawaii: 296-102(a)

Any public school, up to a total of twenty-five schools, may establish a student-centered school; provided that ....

Appeals

Appeals Process

2. Provide an appeals process that reviews both the chartering process and the charter application:

Colorado: 22-30.5-108(1)

Acting pursuant to its supervisory power as provided in section 1 of article IX of the state constitution, the state board, upon receipt of a notice of appeal or upon its own motion, may review decisions of any local board of education concerning charter schools in accordance with the provisions of this section.

Florida: 96-186(4)(d)

The Department of Education may provide technical assistance to an applicant upon written request.

Finance and Fundraising

Funding Approach

1. Receive funding directly from the state:

Arizona: 15-185(H)

The State Board of Education shall apportion state aid from the appropriations made for such purposes to the state treasurer for disbursement to the counties for the charter school in each county that is sponsored by the state board of education or the state board for charter schools in an amount as determined by this subsection.

2. Receive funding from the sponsoring agency:

Texas: 12.107(a)

Except as provided by subsection (b), an open-enrollment charter school is entitled to receive tuition from the school district in which a student attending the school resides in an amount equal to the quotient of the tax revenue collected by the school district for maintenance and operations for the school year for which tuition is being paid divided by the sum of the number of students enrolled in the district as reported in the Public Education Information Management System, including the number of students for whom the district is required to pay tuition.

Per-Pupil Expenditure (PPE)

1. PPE level set by state (based on state average):

Hawaii: 296 sec.21(7)(d)

Student-centered schools shall receive an allocation of state general funds on a per-student basis which is equal to the statewide per-pupil expenditure for average daily attendance, provided that the allocation for self-contained special education students and for other special education students shall be adjusted appropriately to reflect the additional expenses incurred for the students in these programs.

2. PPE equals district average:

Rhode Island: 16-77-6(a)

It is the intent of the General Assembly that funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment of a charter school. Funding for each charter public school shall consist of state revenue and municipal or district revenue in the same proportions that funding is provided for other schools within the school district in which the charter public school is located.

3. PPE is a set percentage of the district average:

New Jersey: 18A:36A-12

The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the district a presumptive amount equal to 90 percent of the local levy budget per pupil for the specific grade level in the district. At the discretion of the commissioner and at the time the charter is granted, the commissioner may require the school district of residence to pay directly to the charter school for each student enrolled in the charter school an amount equal to less than 90 percent, or an amount which shall not exceed 100 percent, of the local levy budget per pupil for the specific grade level in the district of residence. The per-pupil amount paid to the charter school shall not exceed the local levy budget per pupil for the specific grade level in the district in which the charter is located. The district of residence shall also pay directly to the charter school any categorical aid attributable to the student, provided that the student in receiving appropriate categorical services, and any federal funds attributable to the student.

4. PPE is negotiated between the district and charter school:

Colorado: 22-30.5-112(2)(a)

As part of the charter contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the con-

tract using 80 percent of the district per-pupil operating revenues. As used in this subsection (2), district "per-pupil operating revenues" shall have the same meaning as that provided in section 22-54-103.

Start-Up Costs and Planning Grants

1. Start-up and planning grants should be available to charter schools:

Arizona: 15-188(A)

The charter schools stimulus fund is established in the state treasury for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing building and structures. The fund consists of monies appropriated by the Legislature and grants, gifts, devices and donations from any public or private source. The Department of Education shall administer the fund. (B)(1) Each qualifying charter school applicant or charter school shall be awarded an initial grant of up to $100,000 during or before the first year of the charter school's operation.

Facilities

1. Funds to secure facilities should be provided to charter schools just as they are provided for other public schools:

Delaware: 14-5-509(h)

The Department of Public Instruction, in consultation with the Department of Administrative Services, shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by this state or by school districts in this state and that may be suitable for the operation of a charter school. The Department of Public Instruction, in consultation with the Department of Administrative Services, shall make the list available to

applicants for charter schools and to existing charter schools. The list shall include the address of each building, a short description of the building and the name of the owner of the building.

2. Assistance to secure facilities should not be provided:

Massachusetts: 71-89(mm)

Notwithstanding the foregoing, no school building assistance funds, so-called, shall be awarded to a charter school for the purpose of constructing, reconstructing or improving said school.

Temporary Financial Assistance

1. Provide temporary financial assistance to districts:

Pennsylvania: 1725-B

The commonwealth shall provide temporary financial assistance to a school district due to the enrollment of students in a charter school who attended a nonpublic school in the prior school year in order to offset the additional costs directly related to the enrollment of those students in a public charter school. The commonwealth shall pay the school district of residence of a student enrolled in a nonpublic school in the prior school year who is attending a charter school an amount equal to the school district of residence's basic education subsidy for the current school year divided by the district's average daily membership for the prior school year. This payment shall occur only for the first year of the attendance of the student in a charter school starting with school year 1997-1998. Total payments of temporary financial assistance to school districts on behalf of a student enrolling in a charter school who attended a nonpublic school in the prior school year shall be limited to funds appropriated for this program in a fiscal year. If the total of the amount needed for all students enrolled in a nonpublic school in the prior school year who enroll in a charter school exceeds the appropriation for the temporary financial assistance program, the amount paid to a school district for each qualifying student shall be pro rata reduced. Receipt of funds under this subsection shall not preclude a school district from applying for a grant under [another] subsection.

Noninstructional Services

1. No special provisions should be made to provide charters with services:

Colorado: 22-30.5-112(2)(b)

All services centrally or otherwise provided by the school district including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries and

warehousing shall be subject to negotiation between a charter school and the school district and paid for out of the revenues negotiated pursuant to paragraph (a) of this subsection (2).

2. Special provisions regarding services should be specified:

Florida: 228.56 -13(h)

If other goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost.

Transportation

1. Transportation for children residing in the district where the charter is located should be provided by the district:

Massachusetts: Ch. 71-89(ff)

The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section 12 B of chapter 76.

2. A transportation plan should be outlined in the charter application:

Colorado: 22-30.5-106(1)

The charter school application shall be a proposed agreement and shall include: (k) A description of how the charter school plans to meet the transportation needs of its pupils and, if the charter school plans to provide transportation for pupils, a plan for addressing the transportation needs of low-income and academically low-achieving pupils.

Autonomy

Overall Waivers

1. Charter schools should be granted an automatic waiver for all regulations:

Delaware: 14-5-505

A charter school is exempt from all provisions of this title and all school district regulations, except as specified in this chapter, although it may elect to comply with one or more provisions.

2. Charter schools should define and discuss all waivers in its petition:

New Mexico: 22-8A-6

A charter school shall comply with all provisions of the Public School Code [this chapter, except 22-2-17, 22-2-18, 22-4-16, 22-9-7 to 22-9-16 NMSA 1978 and Articles 8A, 13A and 18A NMSA 1978], provided that the charter school may request and the state board may grant a waiver of certain provisions of the Public School Code for the purpose of operating the charter school. The state board may grant waivers to a

charter school for the purpose of providing class size and structure flexibility, alternative curriculum opportunities and alternative budget opportunities.

Control of Budget

1. Charter schools should be granted fiscal autonomy:

South Carolina: 59-50-60(F)

The charter school application shall be a proposed contract and shall include: (6) evidence that the plan for the charter school is economically sound, a proposed budget for the term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school district, is to be conducted;

2. Charter schools should be limited in their ability to spend resources:

Alaska: SB 88 Sec. 3(b)

The program budget of a charter is to be used for operating expenses of the educational program of the charter school, including purchasing textbooks, classroom materials, and instructional aids. (c) The charter school shall provide financial and accounting information requested by the local school board or the Department of Education and shall cooperate with the local school district or the department in complying with the requirements of AS 14.17.190.

Standards and Assessments

1. Statewide standards and assessments should apply to charter schools:

Hawaii: 296-21(3)

The local school board may formulate school-based educational policy and goals in accordance with statewide educational performance standards, adopt school performance standards and assessment mechanisms, monitor school success and may select the principal as the chief executive officer of the school in accordance with chapter 89. (6) The detailed implementation plan assures compliance with statewide student performance standards;

Teachers and Staff

Teacher Certification

1. Require only certified teachers:

Wyoming: 21-3-203

Charter schools shall meet the state minimum standards imposed upon public schools by the State Board of Education under W.S. 21-2-304. Those teachers employed on a full-time basis in the charter school system shall be certified by the Wyoming Professional Teaching Standards Board under W.S.21-2-802.

3. Require a ratio of certified to uncertified teachers:

North Carolina: 115C-238.29F(e)(1)

An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least 75 percent of these teachers in grades kindergarten through 5, and at least 50 percent of these teachers in grades 6-8, and at least 50 percent of these teachers in grades 9-12 shall hold teacher certificates.

Salaries

1. Teachers' salaries are set by the charter school:

South Carolina: 59-40-60(F)(11)

The charter school application shall be a proposed contract and shall include: an explanation of the relationship that shall exist between the proposed charter school and its employees, including descriptions of evaluation procedures and evidence that the terms and conditions of employment have been addressed with affected employees.

2. Salaries are set by state or district:

Rhode Island: 16-77-4(12)

Teachers and administrators in charter public schools shall remain employees of the school districts for purposes of salary, financial benefits and pension eligibility.

Teacher Leave of Absence

1. Restrict charter school teachers' options to return to their district:

California: 47605(b)(13)

A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

Colorado: 22-30.5-111(1)

During the first year that a teacher employed by a school district is employed by a charter school, such teacher shall be considered to be on a one-year leave of absence

from the school district. Such leave of absence shall commence on the first day of services for the charter school. Upon the request of the teacher, the one-year leave of absence shall be renewed for up to two additional one-year periods upon the mutual agreement of the teacher and the school district. At the end of three years, the relationship between the teacher and the school district shall be determined by the school district, and such district shall provide notice to the teacher of the relationship.

2. Provide leave of absence for teachers to return to an equivalent position in the district:

Arizona: 15-187A

A teacher who is employed by or teaching at a charter school and who was previously employed as a teacher at a school district, shall not lose any right of certification, retirement, or salary status or any other benefit provided by law, by the rules of the governing board of the school district or by the rules of the board of directors of the charter school due to teaching at a charter school on the teacher's return to the school district.

Pensions and Benefits

2. Charter school teachers (as state employees) should have equal access to the public teachers' retirement system:

Texas: Title 2 12.105(d)

An employee of an open-enrollment charter school who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered. For each employee of the school covered under the system, the school is responsible for making any contribution that otherwise would be the legal responsibility of the school district, and the state is responsible for making contributions to the same extent it would be legally responsible if the employee were a school district employee.

Collective Bargaining

1. Charter schools should operate independently from district bargaining agreements:

New Hampshire: 194B:14 II(a)-(e)

Any teacher may choose to be an employee of a charter school, in which case such teacher shall have the rights of a teacher in public education to join or organize collective bargaining units. Bargaining units at a charter school shall be separate from other bargaining units. No charter school teacher shall be a member of more than one bargaining unit. A teacher who serves as a member of the board of trustees of a charter school in which that teacher is an employee may not participate in or vote as a member of the board on collective bargaining matters. A teacher in a charter school

have withdrawn from any bargaining unit with which that teacher may have been previously affiliated.

2. Charter schools should be bound by district collective bargaining agreements:

Rhode Island: 16-77-4(12)

Teachers at the charter school shall remain members of the collective bargaining unit for teachers in the school district, and shall have access to the grievance and dispute resolution procedures set forth in the collective bargaining agreement with the district.

Oversight, Renewal and Revocation

Charter Oversight

2. Charter school legislation should require yearly reports on financial and academic performance:

Massachusetts: Ch. 71, 89 (gg)

Each charter school shall submit to the board of education, to the local school committee, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August 1 of each year for the preceding school year. The annual report shall be in such form as may be prescribed by the board and shall include at least the following components: (1) discussion of progress made toward the achievement of the goals set forth in the charter; and (2) a financial statement setting forth by appropriate categories expenditures for the year just ended.

Revocation

1. Charter legislation should explicitly list grounds for revocation:

Washington, D.C.: 12A-31-1280

(a) Upon the recommendation of the superintendent, the board may, at any time, revoke the charter if it determines that the school has committed a violation of applicable law or a material violation of its charter. (b) The board shall revoke the charter if it determines that the school: (1) has engaged in a pattern of nonadherence to generally accepted accounting principles; (2) has engaged in a pattern of fiscal mismanagement; (3) is no longer economically viable; (4) is not making satisfactory progress toward meeting student achievement expectations specified in the school's charter or

(5) does not meet the minimum academic standards required for District of Columbia public schools.

Term of Charter and Renewal

1. The term for the charter school should be flexible within a prescribed number of years:

Georgia: 20-2-255(h)

The state board is authorized to renew charters on a one-year or multi year basis, not to exceed five years, for local schools after the initial period, provided all parties to the original charter approve such renewal with a vote of the majority of the faculty, instructional staff and parents present at a meeting called for the purpose of deciding whether to renew the charter.

2. Charters should be granted a set renewal period:

Massachusetts: 17-89(kk)

A charter granted by the secretary of education shall be for five years. The secretary of education may revoke a school's charter if the school has not fulfilled any conditions imposed by the secretary of education in connection with the grant of the charter or the school has violated any provision of its charter. The secretary may place the charter on a probationary status to allow implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

Renewal Applications

1. Evaluate charter schools and provide explicit provisions for a renewal application:

Texas: 12.118

(b) An evaluation under this section must include consideration of the following items after implementing the charter: (1) students' scores on assessment instruments administered under Subchapter B, Chapter 39; (2) student attendance; (3) students' grades; (4) incidents involving student discipline; (5) socioeconomic data on students' families; (6) parents' satisfaction with their children's schools; and (7) students' satisfaction with their school, © The evaluation of open-enrollment charter schools must also include an evaluation of: (1) the costs of instruction, administration and transportation incurred by open-enrollment charter schools; and (2) the effect of open-enrollment charter schools on school districts and on teachers, students and parents in those districts.

Appeal of Renewal Petition

1. An appeals process should be available as part of the charter school renewal process:

Illinois: Sec 27A-9(e)

Notice of a local school board's decision to deny, revoke or not to renew a charter shall be provided to and may be appealed to the state board. Final decisions of the state board shall be subject to judicial review under the Administrative Review Law.

Program Duration and Oversight

1. The duration of charter programs should be limited and the state education agency or another entity should report to the legislature on the effectiveness of the program:

Colorado: 22-30.5-113

(1) The state board shall compile evaluations of charter schools received from local boards of education. The state board shall review information regarding the regulations and policies from which charter schools were released pursuant to section 22-30.5-105 to determine if the releases assisted or impeded the charter schools in meeting their stated goals and objectives. (2) The state board shall issue a report to the General Assembly on its findings no later than January 1, 1997. (3) In preparing the report required by this section, the state board shall compare their performance of charter school pupils with the performance of ethnically and economically comparable groups of pupils in other public schools who are enrolled in academically comparable courses. 22-30.5-114 This part 1 is repealed, effective July 1, 1998.

Appendix B.—Charter School Resources

Charter School State Statutes and Websites

State	*Statute*	*Website*
AL	14.03.250 et seq.	www.legis.state.ak.us/folio.pgi/stattx96/doc/{@5116}
AZ	15-181 et seq.	www.azleg.state.az.us/ars/15/181.ht
AK	6-10-115	not available online
CA	Educ Code 47600 et seq.	www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=47001-48000&file=47600-47603
CO	22-30.5-101 et seq.	www.ppld.org/CoStatutes/T220/T220030501010.html
CT	10-66aa et seq.	www.cslnet.ctstateu.edu/PA/PA000211.HTM
DE	14-5-501 et seq.	not available online
DC	12A-31-101 et seq.	not available online
FL	Chapter 228.056	www.scri.fsu.edu/fla-leg/statutes/1996/Chapter_228.html
GA	20-2-255 et seq.	www.ganet.state.ga.us/cgi-bin/pub/ocode/ocsearch
HI	296-101 et seq.	not available online
ID	52-33-5201 et seq.	www/idwr.state.id.us/oasis/H0517.html
IL	School Code 27A et seq.	not available online
KA	72-1903 et seq.	www.ink.org/public/statutes/statute-bynum.cgi
LA	17:3791 et seq.	not available online
MA	71-89 et seq.	not available online
MI	380.501 et seq.	not available online
MN	120.064 et seq.	www.revisor.leg.state.mn.us/st96/120/064.html
MS	House Bill 1672	208.1372.72.2/data/1997bills/HB970405/HB1672SG.html
NV	385.005 et seq.	www.leg.state.nv.us/97bills/SB220_EN.HTM
NH	Title 15 194-B:1 et seq.	not available online
NJ	18A:36A-1 et seq.	ww.njleg.state.nj.us/folio.pgi/statutes.nfo/doc/{@28942}?
NM	22-8A-1 et seq.	fws.michie.com:8080/folio.pgi/nmsa.nfo/doc/{@398540}?
NC	115C-238.29	not available online
OH	3314.01 et seq.	38.223.23.20/stacks.ohioacts/122/hb215/sec-3314.01.htm
PA	School Code 1701-A	trfn.clpgh.org/~cowell/sb123.htmet seq.
RI	16-77-1 et seq.	not available online
SC	59-40-10 et seq.	not available online
TX	12.101 et seq.	Www.capitol.state.tx.us/statutes.codes.ed001200-10100.html
UT	53A-1a-501 et seq.	www.1e.state.ut.us/~1998/bills/hbillhtm/HB0145.htm
VA	13-22.1-212.5 et seq.	www.legl.state.va.us/cgi-bin/legp504?981+ful+HB543ER
WI	118.40	www.legis.state.wi.us/statutes/97Stat0118.pdf
WY	21-3-201 et seq.	legisweb.state.wy.us/titles/97titles/title21.htm

Recent Charter School Reports

Buechler, Mark. *Charter Schools: Legislation and Results After Four Years*. Bloomington, IN: Indiana Education Policy Center, 1996.

Center for Applied Research and Education Improvement. *Minnesota Charter Schools Evaluation: Interim Report*. Minneapolis, MN: CAREI, 1996. http://carei.coled.umn.edu/CharterSchools/Mneval/intro.htm

Millot, Marc Dean. *Autonomy, Accountability and the Values of Public Education: Appendix*. Seattle, WA: RAND Corporation, 1996.

Nathan, Joe. *Charter Schools*. San Francisco, CA: Jossey-Bass, Inc. Publishers, 1996.

U.S. Department of Education. *A Study of Charter Schools: First-Year Report*. Washington, DC: 1997. http://www.ed.gov/pubs/charters

Vanourek, Gregg, B.V. Manno, C.E. Finn, Jr. and L.A. Bierlein. *Charter Schools As Seen by Those Who Know Them Best*. Indianapolis, IN: Hudson Institute, 1997. http://www.edexcellence.net/Chart/Charttoc.htm

Weiss, Abby R. *Going It Alone: A Study of Massachusetts Charter Schools*. Boston, MA: Institute for Responsive Education, 1997. http://www2.dac.neu.edu/Units/ArtsSci/IRE/charter.htm

Charter School Websites

Center for Applied Research and Education Improvement (CAREI) **http://carei.coled.umn.edu/charter.html**

CAREI, at the University of Minnesota, has a report on Minnesota charters and a "clickable" state charter school map with a list of charter schools and contacts.

Center for Education Reform (CER) **http://edreform.com/**

This site has information about charter schools, and the CER newsletter is accessible. The site has an excellent database, including state-by-state charts on school reform and charter schools.

Charter School Research **http://csr.syr.edu/**

This site contains an interactive area for charter school discussions, a link to a charter listserve, a list of websites for charters on line, bibliographic information, a list of charter contacts by state and an extensive list of links to other charter sites and resources.

Education Commission of the States (ECS) **http://www.ecs.org./**

The site contains information from the ECS Information Clearinghouse, including legislative updates, articles on charters written by ECS staff and other useful resources. Links to all regional education groups are provided.

Education Excellence Network **http://www.edexcellence.net/**

Readers can download charter school research papers by Hudson scholars at this site of the Hudson Institute and Fordham Foundation. The site also has an interactive school reform page with postings from those in the charter field, as well as numerous charter links.

Effective Education **http://www.interlog.com/~klima/ed/**

The site has links to 150 electronic publications on charter schools and is an excellent source for understanding the charter school movement's history.

Institute for Education Reform (IER) **http://www.csus.edu/ier/**

The IER site at California State University Sacramento has publications by IER scholars, California charter school news, and other resources and links.

National Conference of State Legislatures (NCSL) **http://www.ncsl.org/**

NCSL's site contains legislative updates and session summaries of charter school legislation, as well as information about upcoming NCSL projects. The site also links to all 50 state legislatures, allowing the browser to check charter legislation status or download bills.

US Charter Schools **http://www.uscharterschools.org/**

The site has information about starting a charter school, including electronic copies of charter applications. A school information exchange and other resources (including links to state statutes and profiles) also are available on the US Charter Schools website.

U.S. Department of Education **http://www.ed.gov/**

The United States Department of Education has a Web site containing press releases, electronic publications, and numerous resources and links. The department's first-year study on charter schools can be downloaded from this site.

APPENDIX C. State-by-State Analysis of Charter School Laws[5]

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPROVAL	
	School Limit	Student limit	Eligible operators	Sponsors	Appeals
Alaska	30 (limits are defined geographically)	None	Anyone; law does not specify	Local school board, subject to state school board approval	None
Arizona	25 SEA per year 25 charter board per year; no limit on local board-sponsored schools	None	Public body, private person or private organization	Local school board, state board of education or state charter school board	May apply to other sponsor
Arkansas	None	None	Existing public school	State board with approval of local board	None; SEA may request hearing but cannot overturn a decision
California	250 charter schools for the 1998-99 school year with an additional 100 charter schools per school year threafter	None	Existing public schools, new start-ups; no private or home-based schools allowed	Local school board, county board of education, state board of education	May apply to other sponsor
Colorado	None	None	Anyone; no private or home schools	Local school board	Appeal to state board of education
Connecticut	24 schools (distinction between local and state and number in congressional district removed in 1997)	No state school can enroll more than 250 students or 25% of the district enrollment, whichever is less	Anyone; no private or home schools	Local or state school board	None
Delaware	No statewide limit, but limited five schools per year for the first three years	None; must serve at least 200 students (waiver for at-risk)	Any person, university, college or nonreligious, nonhome-based, nonsectarian entity	LEA or SEA (local board only for conversions)	None
District of Columbia	For FY97, 10 schools per board, for total of 20 schools per year	None	Anyone; no home schools	D.C. Board of Education, Public Charter School Board	None
Florida	Limits defined according to district student enrollment; district may request cap waiver from State Board of Education	None	Anyone; no private or home schools; private schools may disband and reincorporate as charter school	LEA, state universities developmental research schools in consultation with local board	Appeal to SEA. District makes final decision
Georgia	None	None	Local school, private individual, private organization, or state or local public entity. No private or home schools	SEA with LEA approval	The state board may still grant a charter if the local school board does not approve of the application

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPROVAL	
	School limit	Student Limit	Eligible operators	Sponsors	Appeals
Hawaii	25	None	Existing public school	SEA	None
Idaho	Not more than 60 schools in the first five years; not more than 12 schools per year; not more than 2 schools within an educational classification region; not more than 1 school per district in a year. If fewer than 12 applications, the unused allotments shall be assigned to a statewide pool for other requesting districts with distribution to be determined by random drawing	None	Any person. No private or home school; for profits cannot operate charter schools	Local School Board	Appeal to a hearing officer selected by the state superintendent of public instruction. If the decision is not reversed, an appeal to the state board of education with sponsorship of the school under the state board of education.
Illinois	45 with distribution based on population	None	Teachers, administrators, local school councils, colleges or universities, public community colleges, corporations or other entities; no private or home schools	LEA with SEA review for compliance with law	Appeal to state board; recommendation is nonbinding
Kansas	15	None	Anyone; no private or home schools	LEA with SEA review for adherence to state laws, rules and regulations	None
Louisiana	42 (no more than 20 prior to February 1, 1998)	None	Three or more certified teachers alone or partnership with 10 or more citizens, public service organization, business or corporation, college or university, or faculty and staff of any city or parish or any LEA; no private or home schools	LEA or SEA depending on type of charter	None
Massachusetts	50 (13 of which must be Horace Mann conversion schools)	No more than 2% of the total number of students attending public schools in the state	A business, two or more teachers, 10 or more parents or others; no private or home schools	State secretary of education (Horace Mann schools also must be approved by local district and local collective bargaining agent)	None
Michigan	None; state university can sponsor 150 through 1999	None	Any person or entity	Local school board, intermediate school board, community college or state public university	None
Minnesota	None	None	One or more licensed teachers; no home schools	LEA, community college, state university, technical and private colleges; SEA must approve all schools	If local board denies application, and at least two members vote to sponsor, state may choose to sponsor

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPROVAL	
	School limit	Student limit	Eligible operators	Sponsors	Appeals
Mississippi	Six (one in each congressional district)	None	Existing public schools	SEA with approval by LEA in district where the charter is located	None
Nevada	21 (allocated based on county population); unlimited number serving at-risk students	None	At least three licensed teachers alone or in partnership with: 10 or more members of general public, organization devoted to serving the general public, private business or college or university; no private or home-schools	LEA after receiving permission from SEA to solicit applications; charter also must be approved by SEA	None
New Hampshire	Five prior to 1/1/97; 10 per year through 1999; law defines geographical limitations	School districts may impose limits	Nonprofit organizations, two or more certified teachers, 10 or more parents; no nonpublic or home schools	LEA with state then granting or denying proposed contract	SEA which may then approve and grant charter
New Jersey	135 (12/95-12/97) Minimum of three schools allocated to each county	No more than 500 students or 25% of student body of school district, whichever is less	Teachers and/or parents of public school children; higher education institutions and/or private entities may join teachers and parents; no private or home schools	Commissioner and local board or state superintendent in state-operated school district; commissioner has final authority	SEA within 30 days or decision stands
New Mexico	Five	None	Existing public schools	SEA	None
North Carolina	100 (five per district per year)	Charter must enroll 65 students and have at least three teachers (can request waiver in application with compelling reason)	Anyone; no home schools	SEA, LEA or state university; final approval by SEA	SEA which may approve charter
Ohio	20 start-ups in Lucas County; unlimited conversions in all school districts statewide; unlimited in "Big Eight" school districts	Schools must have minimum of 25 students	Anyone; no home schools	City, local, exempted village or joint vocational board of education; statewide SEA for Big Eight districts only; Lucas County Education Service Center and the University of Toledo in Lucas County only	None
Pennsylvania	None	None	Individual; one or more teachers who will teach at proposed school; parents or guardians of students who will attend school; any nonsectarian university or museum; any nonprofit, corporation, association, partnership or combination thereof; no private or home schools	LEA; two or more local boards may grant regional charter begining in 1999-2000 school year	State Charter School Appeal Board (with 2% or 1,000 district resident signatures whichever is less, after 7/1/99)

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPROVAL	
	School limit	Student limit	Eligible operators	Sponsors	Appeals
Rhode Island	20 (no more than two per district or four in districts with over 20,000 students)	No more than 6% of state's school-age population	Existing public schools, groups of public school personnel or public school districts; no private or home schools	State board of regents with approval from commissioner of elementary and secondary education or LEA	None
South Carolina	None	None	Anyone; no home schools	LEA	SEA
Texas	120 SEA approved; unlimited local sponsored and at-risk	None	Public or private higher education institutions, nonprofit organizations, government entities, groups of parents or teachers; no home schools	LEA; SEA for open-enrollment charters	None
Utah	8 for a three year pilot program	None	An individual or group of individuals, including teachers and parents or guardians of students who will attend the school, or a not-for-profit legal entity organized under the laws of the state. No private or home schools.	State board of education. The local board will review the application and may offer suggestions or recommendations to which the state board shall give due consideration.	None (final action subject to judicial review)
Virginia	The total number of schools shall not exceed ten percent of the school division's total number of schools or two charter schools, whichever is greater. Local school boards are authorized to limit the number of charter schools.	None	Any person, group or organization. No private or home schools.	Local school district.	None
Wisconsin	20 (10 districts may sponsor up to two schools each)	None	Anyone, but petition must be signed by 10% of teachers employed by district or 50% of teachers employed at one school; no private or home schools	LEA applies to state superintendent for approval to sponsor; schools apply to local board; mayor can sponsor in Milwaukee	None (except in Milwaukee)
Wyoming	None	None	Anyone, but petition must be signed by 10% of the district's teachers or 50% of teachers in a school, and by 10% of parents of pupils in district or 50% of parents of students in school; no private or home schools	LEA	None

STATE	STUDENTS	AUTONOMY/REGULATION			
	Types served	Waivers	Budget	Standards/Assessment	Staff
Alaska	All	Some exemptions specified; others must be specified	Autonomy granted	Charter selects own textbooks curricula and programs; testing may be waived by request; state standards not addressed by statute	Limited
Arizona	All	Full waiver	Autonomy granted	State standards and assessments apply	Granted
Arkansas	All	Waivers defined in charter	Limited	State standards apply	Not addressed
California	All	Full waiver from state; district waiver defined in charter	Allowed if specified in charter	State standards and assessments apply	Granted
Colorado	Preference for at-risk students	Waivers defined in charter	Negotiated; receive minimum of 80% PPE from district	State and district standards apply; assessments defined in charter	Defined in charter
Connecticut	Preference given to applications in district in which 75% or more of enrolled students are members of ethnic or racial minorities; must provide admissions criteria to promote diverse student body	Waivers defined in charter	Autonomy granted	Subject to statewide exams	Limited
Delaware	All	Full waiver	Autonomy granted	State standards and assessments apply	Granted
District of Columbia	Preference given to schools focusing on students with special needs	Full waiver	Granted; must list planned or proposed contracts of $10,000 or more in charter	District assessments apply; standards and methods for evaluating achievement set in charter	Granted
Florida	Preference for at-risk students	Full waiver	Autonomy granted	Statewide assessment program applies	Granted
Georgia	All	Waivers defined in charter. Full waiver of any state and local rule, regulation, policy and procedure not addressed in the charter agreement or statute	Negotiated	State education goals apply	Not addressed
Hawaii	All	Full waiver except collective bargaining	Limited	State performance standards apply; may be exempt from statewide testing system	Not addressed
Idaho	All	Full waiver	Limited	State assessments apply	Defined in charter

STATE	STUDENTS	AUTONOMY/REGULATION			
	Types served	Waivers	Budget	Standards/Assessment	Staff
Illinois	Emphasis on at-risk students	Full waiver except criminal background checks, student discipline, abused and neglected child reporting, and student records act	Autonomy granted	Statewide goals, standards and assessments apply	Granted
Kansas	Emphasis on at-risk students	Waivers defined in charter	Limited	Defined in charter	Not addressed
Louisiana	Requires that the percentage of at-risk students enrolled not be less than the percentage of those enrolled in the local district	Exempt from most rules and regulations applicable defined in statutes	Autonomy granted	Statewide assessments apply; students must meet graduation requirements	Defined in charter
Massachusetts	All	Waivers defined in charter	Autonomy granted for start-up; negotiated for Horace Mann	State performance standards, testing and portfolio requirements apply	Considered a public employer
Michigan	All	Waivers defined in charter	Autonomy granted	Standards must be defined in the charter; law lists acceptable assessment tests	Granted
Minnesota	All	Full waiver	Autonomy granted	Programs designed to at least meet the outcomes adopted by the state board; assessment not addressed	Employees considered public employees
Mississippi	All	Full waiver; provision required in charter	Limited	District and state standards and assessments apply	Limited; employees considered as part of the district
Nevada	Preference for at-risk students	Waivers defined in charter with limited exemptions granted to all charters	Limited	Statewide assessment applies; students must meet graduation requirements	Limited; employees considered as part of the of district
New Hampshire	All	Full waiver	Autonomy granted	Achievement goals defined in charter; annual evaluations must include NH statewide education improvement and assessment program	Granted
New Jersey	All; law encourages charters in urban school districts with participation of institutions of higher education	Waivers defined in charter with limited exemptions to all charters	Granted; receives between 90-100% of local levy budget per pupil	State testing and performance standards apply	Granted

STATE	STUDENTS	AUTONOMY/REGULATION			
	Types served	Waivers	Budget	Standards/Assessment	Staff
New Mexico	All	Exemptions granted only for class size and structure, flexibility and alternative curriculum and budget opportunities	Autonomy granted; local board ensures sound fiscal practices are followed	Statewide assessments apply	Not addressed
North Carolina	All; preference for at-risk students	Full waiver; local board-sponsored schools must negotiate district waiver	Autonomy granted	Must meet standards set by state and local board; must conduct required assessments for charters by the state board	Granted
Ohio	All	Full waiver upon request; must be open minimum of 920 hours a year	Autonomy granted	Defined in charter but must include statewide proficiency tests	Not addressed
Pennsylvania	All	Exempt from most; not exempt from statutes that apply to public schools other than the Public School Code	Autonomy granted	Defined in charter; statewide assessments apply	Granted
Rhode Island	At least 10 of 20 schools must expand opportunities for at-risk pupils	Waivers defined in charter	May not set teacher salaries or financial benefits	State and national education goals, standards and assessments apply	Limited
South Carolina	All; must ensure school complies with desegregation requirements	Full waiver from state rules and regulations; must have state agreements regarding release from district policies	Autonomy granted	Students must meet or exceed district standards; statewide assessments apply	Granted
Texas	All; preference for at-risk in that the cap on number of schools is waived	Full waiver from Education Code; exemptions from school board rules and policies defined in the charter	Autonomy for start-ups with limited control for conversion schools	Student performance requirements defined in charter; must include required curricula; participation in state assessment program required	Not addressed
Utah	All	Must apply to the state board for each rule	Charters receive full state funding and half of the amount of the resident districts' student expenditure	State standards and assessments apply	Granted
Virginia	Priority given to applications designed to increase the educational opportunities of at-risk students and at least one-half of the charter schools per division shall be reserved for such applications	Waivers defined in the charter	Negotiated	Not waived from the Standards of Quality	Limited; employees considered as part of the district
Wisconsin	All	Full waiver from state laws and rules but not local board policies	Determined by charter	State education goals apply; assessment of progress toward those goals defined in charter	Not addressed
Wyoming	All	Waivers defined in the charter	Specified in the charter	Minimum standards apply	Not addressed

STATE	TEACHERS			FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
Alaska	Required	Existing agreements apply	All existing negotiated or collective bargaining agreements apply to charters	None	Existing school district facility or other facility within district allowed	Not addressed
Arizona	Not required	School sets pay	Not required; option of remaining with district or as independent	Organizers can receive up to $100,000 from charter schools stimulus fund	Dept. of Education publishes list of vacant buildings; budget includes $4 million in facilities aid	Not addressed
Arkansas	Required	Not addressed	Existing agreements apply	None	N/A; only conversions	Not addressed
California	Required	School sets pay	Not required	Established Charter School Revolving Loan Fund	No assistance	Private person or organization can contribute
Colorado	Required but may be waived	Terms set in charter	Not required	None	Use of available district facilities rent free	No restrictions
Connecticut	At least 50% must be certified; remainder must have temporary certificate or enter alternative route	Not addressed	State charter school governing council acts as board of education for bargaining; local agreements can be modified	None	Not addressed	No restrictions; eligible for competitive state grants
Delaware	35% may be non-certified in years when no qualified alternative certification program exists; currently no such program exists	School sets pay	May bargain as separate unit	Dept. of Public Instruction to apply for grants to provide planning and start-up of charters and to distribute funds as appropriated by General Assembly	Dept. of Public Instruction must publish list of vacant and unused facilities owned by school districts	No restrictions
District of Columbia	Not required	School sets pay	Not required	Based on RFP submitted to district	Preference given to schools established within existing public school facilities	Allowed; must report donations of $500 or more annually
Florida	Not required	School sets pay	Optional	None	Charter to receive unused/surplus property on same basis it is made available to other district public schools	Not addressed
Georgia	Defined in charter	Defined in charter	Defined in charter	$5,000 planning grant to 10 schools	Not addressed	Not addressed
Hawaii	Required	Existing agreements apply	Must adhere to collective bargaining laws	None	N/A; only conversions	Not addressed

STATE	TEACHERS			FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
Idaho	Required. Instructional staff may apply for a waiver or any of the limited certification options as provided by rule of the state board of education	School sets pay	Must be considered a separate unit	None	Not addressed	No restrictions
Illinois	Noncertified instructors must meet alternative criteria outlined in law	School sets pay	Not required	None	Conversions may not be required to pay rent for district facilities; all other facility costs are negotiable	No restrictions
Kansas	Requires waiver to be specified in law	Existing agreements apply	Part of district unless waiver is specified in charter and granted	None	None	No restrictions
Louisiana	75% of teachers must be certified	Not addressed	District agreement applies unless otherwise agreed to in charter	Louisiana Charter School Loan Fund provides no-interest loans to assist with initial start-up for type 1 or 2 charters, not to exceed $100,000	Not addressed	No restrictions
Massachusetts	Not required except for Horace Mann	School sets pay	May participate as separate bargaining unit	$35,000 per school; state reimburses district for charter	No building assistance fund shall be awarded; school closes over three years	No restrictions
Michigan	Required except for full-time, tenured faculty at state college or university sponsoring charter or community college faculty with five years' experience in applicable subject area	School sets pay	Required for schools sponsored by LEA; others as separate unit	None	Not addressed	No restrictions
Minnesota	Required	School sets pay	May bargain as separate units unless all parties agree to remain part of district bargaining unit	During first two years of operation eligible start-up aid and additional operation costs equal to greater of $50,000 per charter or $500 times charter's pupil units for that year	May apply for building lease aid, an amount per pupil not to exceed lesser of 80% of approved cost or product of actual pupil units for current school year times the sum of state average debt redemption fund revenue plus capital revenue for current fiscal year	Not addressed
Mississippi	Considered employees of school district; same requirements apply (5-10% of staff is exempt)	Existing agreements apply	Remain state employees; right-to-work state	None	Not addressed	No restrictions; may be given special preference by state board when allocating grant funds

STATE	TEACHERS			FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
Nevada	At least 75% must be licensed; unlicensed teachers must be working toward certification	School sets pay unless under existing agreement	Existing agreements apply unless employees of charter, at time of renewal, apply for recognition as separate unit	None	SEA to maintain list of available facilities suitable for operation of charter	Not addressed
New Hampshire	50% of teachers must be certified or have at least three years teaching experience	School sets pay	Teachers may bargain as separate unit or work independently	None	Conversion schools eligible for school building aid	No restrictions
New Jersey	Required	Dependent on the charter	Conversion schools subject to district agreements; new charters may opt out	None	None, exempt from public school facility regulations except health and safety	No restrictions
New Mexico	Required	Existing agreements apply	Existing agreements apply	None	N/A; only conversions	Not addressed
North Carolina	75% of teachers grades K-5 and 50% of teachers grades 6-12 must be certified	School sets pay	Not subject to work rules unless LEA-sponsored or waiver requested	None	Cannot use state board funds on purchase of land or buildings	Not addressed
Ohio	No uncertified teacher can teach over 12 hours per week	Existing agreement or school sets pay depending on bargaining unit	May organize as separate bargaining unit; conversions bound by existing agreement and can vote to separate when agreement expires	Planning and start-up grants available in Lucas County only	None	Not addressed
Pennsylvania	At least 75% must be certified	School sets pay	Must organize as separate bargaining unit	Secretary of Education allocates funds for planning and start-up; temporary financial assistance available to districts for losses attributed to charter transfers and new students from nonpublic schools; funds will lapse on June 30, 1999	May not use public funds to build facility waived from certain state regulations for public school facilities	No restrictions
Rhode Island	Required	Teachers remain employees of school district for salaries and benefits	Remain members of collective bargaining unit for teachers in school district	None	None	No restrictions

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STATE	TEACHERS			FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
South Carolina	25% of staff in new school may be non-certified; 10% in conversion school	School sets pay	Not required	None	Dept. of Education must publish list of vacant buildings owned by the state or school district	No restrictions
Texas	Required for conversions; start-ups can set employee requirements	Not addressed	Not required	None	No assistance	Not addressed
Utah	Required or, on the basis of demonstrated competency, would qualify to teach under alternative certification or authorization programs	School sets pay	Not required	The State Superintendent of Public Instruction may allocate grants for start-up costs from monies appropriated for the implementation of the act	State Office of Education must publish and make available a list of vacant and unused portions of buildings that are owned by the state or school district	No restrictions; cannot demand or request any donation from a parent, teacher, employee, or other person affiliated with the charter as a condition for employment or enrollment at the school for continued attendance
Virginia	Required	Existing agreements apply	Existing agreements apply	None	Not addressed	Allowed; no gift, donation, or grant shall be accepted by the management committee of a charter school if the conditions for such funds are contrary to law or the terms of the agreement between the local board and the charter school
Wisconsin	Required	Not addressed	Not required	None	None	Not addressed
Wyoming	Required	Existing agreements apply	Remain employees of district	None	None	Allowed if LEA determines aid is compatible with district

Endnotes

1. Gregg Vanourek, et al. *Charter Schools As Seen by Those Who Know Them Best.* Indianapolis, IN: Hudson Institute, 1997.

2. U.S. Department of Education. *A Study of Charter Schools: First-Year Report.* Washington, DC: *DOE, 1997.*

3. Ibid., p.14.

4. Government Accounting Office. "Charter Schools: Issues Affecting Access to Federal Funds." (GAO/T-HEHS-97-216) Testimony, September 1997.

5. Eric Hirsch, National Conference of State Legislatures. Charter Schools: What Are They Up To? unpublished document (Denver, CO: ECS, 1997; updated May 1998).

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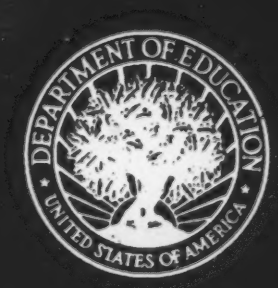

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